

1 HONORABLE RONALD B. LEIGHTON
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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT TACOMA

10 WASTE ACTION PROJECT,

11 Plaintiff,

12 v.

13 SIERRA PACIFIC INDUSTRIES d/b/a
14 SIERRA JUNCTION CITY SAWMILLS,

15 Defendant.

16 CASE NO. 3:12-cv-05059-RBL

17 ORDER

18 [DKT. # 14]

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THIS MATTER is before this Court on Defendant Sierra Pacific Industries' ("SPI") Motion to Compel Mediation. (Dkt. # 14). Plaintiff Waste Action Project (WAP) filed a citizen suit pursuant to the Clean Water Act, 33 U.S.C. § 1251 *et seq.* for alleged violations of SPI's Industrial Stormwater General Permit (ISGP) at its Aberdeen, Washington location. Compl. (Dkt. # 1). The parties have conducted discovery and began settlement discussions. Pl.'s Resp. at 4 (Dkt. # 19). This Court previously entered a Minute Order setting trial and pretrial dates, and directing the parties to complete mediation by March 18, 2012. (Dkt. # 12). SPI now moves this Court to compel WAP to engage in mediation pursuant to Local Rule W.D. Wash. 39.1(c).

From the time this action commenced, SPI has produced documents and information at WAP's request. Def.'s Mot. to Compel at 2. Both parties expressed interest in resolving this

1 litigation through settlement or mediation. *Id.* at 2. SPI tried to settle the matter quickly, and
2 provided a settlement proposal to WAP. *Id.* at 3. WAP refused to settle. Pl.'s Resp. at 4.

3 Rule 39.1(c) is a permissive standard. "The court *may* designate any civil case for
4 mediation under this rule, and may schedule the required steps so as to maximize the prospects
5 of early settlement. The parties may file a written stipulation for mediation under this rule at any
6 time." Local Rule W.D. Wash. 39.1(c) (emphasis added). The Court has already scheduled a
7 mediation cutoff date, and will not effectively move that date forward, or insert an additional
8 mediation deadline into its schedule. The Motion to Compel Mediation is DENIED.

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10 IT IS SO ORDERED.

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12 Dated this 1st day of October, 2012.

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15 Ronald B. Leighton

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17 United States District Judge